

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : V. T. Rajan

Art Unit : 2121

Serial No. : 10/073,608

Examiner : Sergey Datskovskiy

Filed : 02/11/2002

Title : Characterization of Objects of a Computer Program While Running Same

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant is submitting a Petition for Revival of the instant application, along with a Corrected Appeal Brief. The abandonment of the application was entirely unintentional and occurred because the Notice of Non-Compliant Appeal Brief of December 15, 2006 was not forwarded to the undersigned attorney of record until after the six-month period had elapsed. The Notice of Non-Compliance found the Appeal Brief defective because it did not contain a separate heading for a Related Proceedings Appendix.

The requirement for a corrected brief should not have been made under MPEP 1205.03 which provides that the Examiner "should not require a corrected brief for minor non-compliance" and provides an example for the very case on which this requirement was made: "(A) If the evidence appendix and related proceedings appendix are missing, but the record is clear that there is no evidence submitted and no related proceedings in the related appeals and interferences section..." This is the case here. The originally submitted Appeal Brief clearly states on the first page that Appellant knew of no related proceedings.

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Therefore, Appellant hereby respectfully requests a refund of the fee for the Petition for Revival on the grounds that the requirement to correct the brief (which led to the abandonment) should not have been made.

Respectfully submitted,

Date: August 9, 2007



Michael J. Buchenhorner,

Attorney for Appellant

Reg. No. 33,162